

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CORY SIMPSON

Plaintiff

v.

Civil Action No. 2:09-0062

MAGISTRATE TRACI STRICKLAND

Defendant

MEMORANDUM OPINION AND ORDER

This action, filed on January 22, 2009, was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

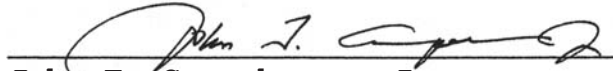
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on February 3, 2009. The magistrate judge recommends that the plaintiff's application to proceed without prepayment of fees and costs be denied and that this action be dismissed with prejudice on the grounds that the plaintiff has failed to state a claim upon which relief can be granted and the defendant is protected by the doctrine of absolute judicial immunity. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and they hereby are, adopted by the court;
2. The plaintiff's application to proceed without prepayment of fees and costs be, and it hereby is, denied;
3. The plaintiff's action against Magistrate Judge Strickland be, and it hereby is, dismissed with prejudice.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: March 19, 2009



John T. Copenhaver, Jr.
United States District Judge